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7590 11/18/2004  
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EXAMINER

ALAUBAIDI, HAYTHIM J

ART UNIT PAPER NUMBER

2161

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/997,018

Applicant(s)

WILENS, PETER

Examiner

Haythim J. Alaubaidi

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-19 is/are rejected.
- 7) ☒ Claim(s) 4 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This communication is a Final Office Action in response to the amendment of May 5, 2004.
2. Claims 1-20 are presented for examination following the above mentioned amendment.
3. Claims 1 and 11 are Independent claims.
4. Claims 11-19, are rejected under 35 U.S.C. 102(e).
5. Claims 1-3 and 5-10, are rejected under 35 U.S.C. 103(a)
6. Claims 4 and 20 are objected to as being dependent upon a rejected base claim.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 (e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 11-19, are rejected under 35 U.S.C. 102(e) as being anticipated by Michael Olivier (U.S. Patent No. 6,480,885 and Olivier hereinafter).

Regarding Claims 11 and 13, Oliver discloses:

providing access to a database of profile information (Figure No. 2, Elements 202, 208, 246, 250 and 258 and corresponding text; see also Col 5, Lines 23-32);

registering profile information in the database (Col 5, Lines 23-32, i.e. the system stores this and other subscription information);

entering a group selection criteria that identifies characteristics and interests which all subscribers must have to be included in a candidate group (Col 20, Lines 55-66);

creating a candidate list (club) of subscribers based on the group selection criteria (Col 25, Lines 1-10, i.e. club);

grouping said subscribers from said candidate list with at least two fellow subscribers to form at least one group based on similarities between said subscriber's profile information and said fellow subscribers' profile information (Col 25, Lines 1-11, i.e. "within the group"; see also "after selecting a club, a user can specify his acceptance criteria data within the club")

wherein all of the subscribers' profiles in said group are similar to each other (Col 25, Lines 7-10, i.e. "The user then only sees content (chat, message postings, web links, pictures, calendar entries, etc.) of other users who form a match with the user");

and providing capability whereby said subscriber selects final group members from the candidate list (Col 25, Lines 17-20, i.e. club owner).

Regarding Claim 12, Olivier discloses having the similarity values between subscribers exceed a threshold value (Col 18, Lines 5-17; see also Col 19, Lines 58-59, i.e. *Rather than the previously described 100% match*; see also Col 8, Lines 27-30)<sup>1</sup>.

Regarding Claim 14, Olivier discloses utilizing subscriber's own matching criteria for establishing an acceptable level of similarities (Col 19, Lines 56-58).

Regarding Claim 15, Olivier discloses:

selecting meeting time (Col 10, Lines 28-30)

notifying said subscribers of meeting time (Col 10, Lines 31-33).

Regarding Claims 16-17, Olivier discloses posting messages and in real-time also (Col 25, Lines 32-34).

Regarding Claims 18 and 19, Oliver discloses deleting and adding subscribers and groups (Col 14, Lines 23-28; see also Col 14, Lines 15-18, i.e. removing subscribers)

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-3 and 5-10, are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrew B. Sutcliffe (U.S. Patent No. 6,249,282 and Sutcliffe hereinafter) in view of Michael Olivier (U.S. Patent No. 6,480,885 and Olivier hereinafter).

Regarding Claim 1, Sutcliffe discloses:

providing access to a database of profile information (Figure 1, Element 22 and corresponding text)

registering profile information in the database (Figure 3A, Element 200 and 202 and corresponding text)

Although Sutcliffe discloses matching one user with another and that the result of the match can be ordered (as in sorted) (Col 2, Line 65 through Col 3, Line 3) which indicates that the result of the match is really a list or a group of users or subscribers with similar characteristics, yet Sutcliffe's reference does not explicitly indicate the step of grouping said subscriber with at least two said fellow subscribers to form at least one

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<sup>1</sup> Please note that the 100% mentioned in Col 8, Line 28 and other locations thought the reference is the threshold that was referred to in Col 19, Lines 58-59.

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group, or wherein all the subscribers' profile in said group are similar to each other; and the limitation of communicating said subscribers of said group to said subscribers and to better address all the limitations of the claim, the Examiner is combining a second reference for Olivier.

Olivier teaches grouping said subscriber with said at least two of said fellow subscribers to form at least one group based on similarities between said subscribers' profile information (Col 15, Line 52 through Col 16, Line 10; see also Col 14, Lines 62-65; see also Col 20, Lines 30-35); wherein all the subscribers' profile in said group are similar to each other (Col 20, Lines 55-66, i.e. meet all three sets of acceptance criteria); and the limitation of communicating said subscribers of said group to said subscribers (Col 20, Lines 30-37; see also Col 24, Lines 36-38)<sup>2</sup>.

Given the intended broad application of the Sutcliffe system, it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Sutcliffe with the teachings of Olivier to form a group of three or to match at least two users to another one and display the group on a display, as one would like to present the most matches with the best results to the user and at the same time provide the user with a better flexibility in the system to have more than one or two users or subscribers in the group, for instance in a discussion group, increasing the flexibility would lead to a more successful discussion by having more than one or two opinions to participate.

Regarding Claim 2, Sutcliffe discloses biographic information of the subscriber (Figure 2A, Element No. 50, 54 and 54A).

Regarding Claim 3, Sutcliffe discloses personal preferences of the subscriber (Figure 2A, Element No. 52).

Regarding Claim 5, Olivier discloses having the similarity values between subscribers exceed a threshold value (Col 18, Lines 5-17; see also Col 19, Lines 58-59, i.e. *Rather than the previously described 100% match*; see also Col 8, Lines 27-30)<sup>3</sup>.

Regarding Claim 6, the limitation of this claim has been noted in the rejected claim 1, above. It is therefor rejected as set forth above.

Regarding Claim 7, Olivier discloses utilizing subscriber's own matching criteria for establishing an acceptable level of similarities (Col 19, Lines 56-58).

Regarding Claim 8, Olivier discloses  
selecting meeting time (Col 10, Lines 28-30)  
notifying said subscribers of meeting time (Col 10, Lines 31-33).

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<sup>2</sup> Please note that Sutcliffe's reference also discloses the display feature of the current claim, please see (Col 3, Lines 15-17; see also Figure 5, Element 108).

<sup>3</sup> Please note that the 100% mentioned in Col 8, Line 28 and other locations thought the reference is the threshold that was referred to in Col 19, Lines 58-59.



Regarding Claims 9 and 10, Olivier discloses posting messages and real-time also (Col 25, Lines 32-34).

***Allowable Subject Matter***

11. Claims 4 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is the Examiner's statement of reasons for the indication of allowable subject matter:

Regarding Claims 4 and 20, Applicant's particular Method for grouping subscribers by common preferences is grouping said subscriber with at least two of said fellow subscribers by applying an algorithm to determine a level of similarity between said subscriber and said fellow subscribers, wherein preference disclosed in said subscriber's profile information are assigned integer values concatenated to form a lookup key, and used to access an entry in a table containing the corresponding similarity value between the two preferences; and the limitation of summing similarity values for all profile preferences to create a final similarity total for said subscribers in combination with the other limitations of the claims, was not disclosed by, would not have been obvious over, nor would have been fairly suggested by the prior art of record or that encountered in searching of the prior art.

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13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Points of Contact***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (571) 272-4014. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023.

Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or telefax at our fax number (703) 872-9306.

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6<sup>th</sup> Floor Receptionist, Arlington, Virginia. 22202.

***Haythim J. Alaubaidi***

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Patent Examiner  
Technology Center 2100  
Art Unit 2161  
November 12, 2004

  
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